

**Iowa Department of Natural Resources
Environmental Protection Commission**

ITEM



INFORMATION

TOPIC

**Proposed Rule – Amend IAC 567 Chapter 118– “Discarded Appliance
Demanufacturing”**

Attached for the Commission’s information and review is a Notice of Intended Action to rescind and replace IAC 567—Chapter 118 “Discarded Appliance Demanufacturing.” This proposed rule revision will improve the department’s ability to ensure that hazardous materials from appliances are being handled in an environmentally sound manner by revising the record keeping and annual reporting requirements, easing storage time limits on PCB articles that are disposed of through a Regional Collection Center, and incorporating federal requirements. The chapter has also been reformatted to be consistent with other chapters and to improve readability.

The annual reports are intended to verify that the demanufacturer is removing refrigerant, PCBs and mercury switches. Currently, the annual reports only include the amounts of mercury, refrigerant and PCBs shipped for disposal and the total weight of demanufactured appliances shipped to a recycler. It does not include the amount of hazardous materials removed from appliances but are stored on site waiting disposal or the number or type of appliances demanufactured making it very difficult for the department to determine if a reasonable amount of refrigerant, PCBs and mercury switches are being removed from the appliances. The new record keeping and reporting requirements will include the actual number of appliances demanufactured by type and the number of PCB capacitors, mercury devices and amount of refrigerant and removed each year. This will enable the department to make a correlation between the number and type of appliances being demanufactured and the amount of material recovered.

Currently PCBs must be disposed of by incineration, recycling or another approved method within one year of removal from the appliance. Because most appliance demanufacturers recover very small quantities of PCB capacitors, it is often costly to dispose of the capacitors within this time frame. The proposed change will allow Regional Collection Centers that accept PCB capacitors from appliance demanufacturers to dispose of the capacitors within one year of receiving it from the demanufacturer rather than within one year of when the demanufacturer removed it from the appliance.

There are also a number of changes to reflect changes in federal regulations and to better incorporate federal regulations.

The Commission will be asked to approve this Notice of Intended Action at its August meeting.

Theresa Stiner, Environmental Specialist Senior
Energy & Waste Management Bureau
Environmental Services Division

June 27, 2006

ENVIRONMENTAL PROTECTION COMMISSION

Notice of Intended Action

Pursuant to the authority of Iowa Code sections 455B division IV, part 1, and 455D.6(6), the Environmental Protection Commission hereby gives Notice of Intended Action to rescind and replace Iowa Administrative Code 567-Chapter 118, “Discarded Appliance Demanufacturing.”

This proposed rule revision will improve the department’s ability to ensure that hazardous materials from appliances are being handled in an environmentally sound manner by revising the record keeping and annual reporting requirements, easing storage time limits on PCB articles that are disposed of through a Regional Collection Center, and incorporating federal requirements. The chapter has also been reformatted to be consistent with other chapters and to improve readability.

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Currently PCBs must be disposed of by incineration, recycling or another approved method within one year of removal from the appliance. Because most appliance demanufacturers recover very small quantities of PCB capacitors, it is often costly to dispose of the capacitors within this time frame. The proposed change will allow Regional Collection Centers that accept PCB capacitors from appliance demanufacturers to dispose of the capacitors within one year of receiving it from the demanufacturer rather than within one year of when the demanufacturer removed it from the appliance.

There are also a number of changes to reflect changes in federal regulations and to better incorporate federal regulations.

Any interested person may make written suggestions or comments pertaining to the proposed rule revisions on or before _____. Such written materials should be directed to Theresa Stiner, Energy & Waste Management Bureau, Iowa Department of Natural Resources, 502 East 9th Street, Wallace State Office Building, Des Moines, IA 50319-0034; fax (515) 281-8646 or Theresa.Stiner@dnr.state.ia.us. Persons wishing to convey their views orally should contact Theresa Stiner at (515) 281-8646.

When submitting comments, the Energy and Waste Management Bureau encourages stakeholders to utilize the following guidelines. These guidelines aid the Bureau in accurately understanding and creating a record of your input.

1. Include your mailing address and contact information.
2. Please state if you are submitting comments on behalf of a business, organization or as an individual.
3. Cite the specific rule(s) on which you are commenting.
4. Explain your views as clearly as possible by describing any assumptions, data, or technical information you utilized.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative language that you think would improve the specific rule(s) and explain why.

A public hearing will be held on _____ from _____ in the _____, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the rule.

Any persons who intend to attend the public hearing and have special requirements, such as hearing or mobility impairments, should contact the Department of Natural Resources to advise of special needs.

The following amendment is proposed:

ITEM #1. Rescind IAC 567—Chapter 118 and adopt the following new chapter in lieu thereof:

CHAPTER 118
DISCARDED APPLIANCE DEMANUFACTURING

567—118.1(455B, 455D) Purpose. The purpose of this chapter is to implement Iowa Code chapter 455B, division IV, part 1, and section 455D.6(6) to ensure the proper removal and disposal of electrical parts containing polychlorinated biphenyls (PCBs), components containing mercury, and refrigerants (e.g. CFCs and HCFCs) from discarded appliances.

567-118.2 (455B, 455D) Applicability and compliance

118.2(1) All discarded appliances must be demanufactured before being recycled or disposed. This chapter does not apply to the service, repair, reuse or rebuilding of appliances or components for their original purpose. These rules do not apply to the removal of capacitors, refrigerants or components containing mercury during the maintenance or service of equipment containing such items.

118.2(2) No person that is now or plans to be involved in the demanufacturing of appliances is allowed to conduct any demanufacturing activities until an Appliance Demanufacturing Permit (ADP) has been obtained from the department of natural resources (DNR).

118.2(3) Any person engaged in demanufacturing must be in compliance with all federal and state laws relating to the management and disposition of all hazardous wastes, hazardous materials, universal wastes, PCBs and refrigerants.

567—118.3(455B, 455D) Definitions.

“Appliances” means devices such as refrigerators, freezers, kitchen ranges, air-conditioning units, dehumidifiers, gas water heaters, furnaces, clothes washers, clothes dryers, dishwashers, microwave ovens and commercial coolers with components containing mercury, refrigerants, or PCB-containing capacitors that are discarded from all sources.

“Ballast” means an electrical device containing capacitors for the purpose of triggering high-level electrical components. A ballast provides electrical balance within the high-level electrical component circuitry.

“Capacitor” means a device for accumulating and holding a charge of electricity that consists of conducting surfaces separated by a dielectric fluid.

“CFC” means chlorofluorocarbons, including any of several compounds used as refrigerants.

“CFR” means Code of Federal Regulations.

“Demanufacturing” means the removal of components from discarded appliances including, but not limited to, PCB-containing capacitors, ballasts, mercury-containing components, fluorescent tubes, and refrigerants.

“Discarded” means no longer to be used for the original intended purpose.

“DOT-approved container” means those containers approved by the U.S. Department of Transportation, the agency responsible for shipping regulations for hazardous materials in the United States.

“Facility” means any landfill, transfer station, material recovery facility, salvage business, appliance service or repair shop, appliance demanufacturer, shredder operation or other party which may accept appliances for demanufacturing. A demanufacturing facility may occupy a portion of a material recovery facility, salvage business, landfill, transfer station or other site.

“Fixed facility” means a permitted appliance demanufacturer operating at a permanent location.

“Fluff” means the residual waste from the shredding operation after metals recovery.

“Hazardous condition” means any situation involving the actual, imminent or probable spillage, leakage, or release of a hazardous substance onto the land, into a water of the state or into the atmosphere which, because of the quantity, strength and toxicity of the hazardous substance, its mobility in the environment and its persistence, creates an immediate or potential danger to the public health or safety or to the environment.

“HCFC” means hydrochlorofluorocarbons, including any of several compounds used as refrigerants.

“Mercury-containing components” means devices containing mercury. Examples include, but are not limited to, thermostats, thermocouples, mercury switches and fluorescent tubes.

“Mobile operation” means a permitted appliance demanufacturer having equipment capable of operating in an area away from a fixed permitted location.

“PCB” or “PCBs” means polychlorinated biphenyl, which is a chemical substance that is limited to the biphenyl molecule that has been chlorinated to varying degrees, or any combination of such substances.

“Point of demanufacturing” means the actual location of demanufacturing for fixed facilities and mobile operations.

“Reclaim” means to reprocess refrigerant to an EPA ARI-700-88 standard.

“Recovery” means to remove all refrigerants to EPA standards.

“Small capacitor” means a capacitor which contains less than 1.36kg (3lbs.) of dielectric fluid. The following assumptions may be used if the actual weight of the dielectric fluid is unknown. A capacitor whose total volume is less than 1,639 cubic centimeters (100 cubic inches) may be considered to contain less than 1.36 kg (3lbs) of dielectric fluid and a capacitor whose volume is more than 3,278 cubic Centimeters (200 cubic inches) must be considered to contain more than 1.36 kg (3 lbs) of dielectric fluid. A capacitor whose volume is between 1,6639 and 3,278 cubic centimeters may be considered to contain less than 1.36 kg (3lbs) of dielectric fluid if the total weight of the capacitor is less than 4.08 kg (9 lbs.).

567—118.4(455B, 455D) Storage and handling of appliances prior to demanufacturing.

118.4(1) Any person collecting and storing discarded appliances must store them so as to prevent electrical capacitors, refrigerant lines and compressors, and components containing mercury from being damaged and allowing a release into the environment.

118.4(2) No method of handling discarded appliances may be used which in any way damages, cuts or breaks refrigerant lines or crushes compressors, capacitors, or mercury-containing components that may cause a release of refrigerant, PCBs or mercury into the environment.

118.4(3) No more than 1000 discarded appliances may be stored at a location prior to demanufacturing.

118.4(4) No discarded appliances may be stored for more than 270 days without demanufacturing.

567-118.5(455B, 455D) Appliance demanufacturing permits

118.5(1) *permit required.* No person is allowed to conduct any demanufacturing activities until an Appliance Demanufacturing Permit (ADP) has been obtained from the department.

118.5(2) *Types of permits.*

a. A person may request a permit that excludes appliances that contain a particular type of material (e.g. refrigerants, sodium chromate, PCBs, or mercury switches) . The person may not demanufacturer or place their unique mark on an appliance that once contained a material that is excluded from their permit. An appliance demanufacturing facility must clearly post the types of appliances they do not accept.

b. permits may be issued for both fixed facilities and mobile operations

118.5(3) *Transfer of title and permit.* If title to an appliance demanufacturing facility is transferred to a third party, then the department shall transfer the permit within 60 days if the department has determined that the following requirements have been met:

a. The title transferee has applied in writing to the department within 30 days of the transfer of title to request a transfer of the permit.

b. The permitted facility and title transferee are in compliance with Iowa Code chapter 455B, 455D, this chapter and the conditions of the permit.

118.5(4) *Permit conditions.* A permit may be issued with conditions, specified in writing by the department, that are necessary to ensure the appliance demanufacturing facility can be operated in a safe and effective manner and in compliance with Iowa Code chapter 455B, 455D, and this chapter.

118.5(5) *Inspection of site and operation.* Facilities shall be inspected by the department prior to issuance of the appliance demanufacturing permit. The permit will not be issued until the facility is in compliance with these rules. Appliance demanufacturing facilities may be inspected throughout the permit period and prior to permit renewal by the department.

118.5(6) *Duration of permits.* Appliance demanufacturing permits shall be issued and may be renewed for a five-year term.

118.5(7) *Request for permit renewal.* Applications for permit renewal must address any changes to the information previously submitted pursuant to subrule 118.7(1). If there has been no change in an item, the applicant shall indicate such on the application form. The renewal application Form 542-8005 must be submitted to the solid waste section in the DNR central office in Des Moines a minimum of 60 days before permit expiration.

118.5(8) *Request for permit modification.* An application for permit amendment must be submitted and the amendment issued by the department before significant changes may be made by the permit holder to the process or facility. The applicant shall provide a revised plan of operations, contingency plan and any other documentation required in 118.6(1) that will be changed.

118.5(9) *Factors in permit issuance decisions.* The department may request that additional information be submitted for review to make a permit issuance decision. The department may review and inspect the facility, its agents and operators, and compliance history. The department may review whether or not a good-faith effort to maintain compliance and protect human health and the environment is being made, and whether a compliance schedule is being followed. The department may issue a permit on a trial basis.

567—118.6(455B, 455D) Appliance demanufacturing permit application requirements.

118.6(1) The permit application for appliance demanufacturing must contain the following information to be submitted on Form 542-8005.

- a. Facility name.
- b. Office address.
- c. Location of demanufacturing facility if different from office address.
- d. Contact person or official responsible for the operation of the facility.
- e. Type, source and expected number or weight of appliances to be handled per year.
- f. Schematic site plans of a fixed facility including the schematic floor plans of any buildings showing where activities will take place and where waste is stored.
- g. For mobile operations, provide schematic plans, or a description and photographs, of the mobile van or trailer.
- h. A copy of the EPA Refrigerant Recovery or Recycling Device Acquisition Certification Form 2060-0256.
- i. Operation plan: a detailed summary of the activities that will be performed on each type of appliance that will be considered for demanufacturing. This summary must include step-by-step activities of the demanufacturing process.
- j. A contingency plan detailing specific procedures to be used in case of equipment breakdown or fire, including methods to be used to remove or dispose of accumulated waste.
- k. A copy of the Authorization to Discharge (Stormwater) Permit number where applicable.

l. A copy of EPA Notification of PCB Activity Form 7710-53 and return response from EPA. Facilities storing PCB longer than 30 days must register with EPA. This form may be obtained by contacting Fibers and Organics Branch, Office of Pollution Prevention and Toxics, United States Environmental Protection Agency, Ariel Rios Building (7404), 1200 Pennsylvania Avenue NW, Washington, DC 20460.

m. Submittal of documentation showing compliance with rule 118.8(455B, 455D).

n. A copy of the unique marking system to be applied to each discarded appliance after demanufacturing.

o. Documentation that a permanent facility meets local zoning requirements.

567 - 118.7(455B, 455D) Fixed facility and mobile operations. The following removal and disposal requirements must be met by both fixed facilities and mobile operations:

118.7 (1) Demanufacturing of appliances must take place on an impervious floor (including but not limited to concrete, ceramic tile, or metal, but not wood). Any spills must be contained and picked up with proper equipment and procedures and properly disposed of.

118.7 (2) The point of demanufacturing must be located 50 feet or more from a well and any water of the state.

118.7 (3) The facility must be located above the 100-year flood water elevation.

118.7 (3) A permanent facility must meet local zoning requirements.

118.7 (4) An applicant must establish a unique marking system, to be submitted with the permit application for department approval, signifying that all refrigerants, PCBs, and mercury-containing components have been removed. The unique marking system must be a minimum of nine inches by nine inches and must be applied to the appliances after demanufacturing.

567—118.8(455B, 455D) Training. Beginning January 1, 2003, at least one owner or employee of an appliance demanufacturing facility must have a training certificate from a department approved training course. A person that has completed the department approved training must be on site at all times when discarded appliances are being demanufactured. The training will at a minimum, cover, the following topics.

1. State and federal regulations for the removal, storage, transportation, and disposal of refrigerant, PCB capacitors, mercury-containing components. and asbestos from appliances .
2. Record keeping requirements
3. Safety-precautions for handling appliances and hazardous materials.
4. Spill prevention and cleanup procedures appropriate for appliance demanufacturing.
5. The proper methods of loading and unloading discarded appliances.
6. General demanufacturing procedures.

567—118.9(455B, 455D) Refrigerant removal requirements.

118.9(1) All owners of refrigerant recovery and recycling equipment must provide certification to EPA that they have acquired and are using EPA-approved equipment.

118.9(2) Refrigerants in appliances must be recovered to EPA standards using equipment meeting EPA requirements (40 CFR Part 82.162). Refrigerant may be removed prior to delivery to the appliance demanufacturer if it is removed by an appliance service or repair facility employee certified for the removal of refrigerant.

118.9(3) The removal of refrigerants from refrigeration appliances must take place in an area where the temperature of the surrounding air and of the appliance being demanufactured is 45 degrees Fahrenheit or greater.

118.9(4) Facilities that are not EPA-certified refrigerant reclaimers must ship recovered refrigerant to an EPA-certified reclamation facility or properly dispose of the refrigerant at an EPA-permitted facility. Reclamation may only take place on site if the appliance demanufacturing facility is certified as a reclaimer by the EPA. Any refrigerants that cannot be reclaimed or recycled must be properly disposed of by incineration or other acceptable means.

118.9(5) Compressor oil.

a. Compressor oil from refrigeration unit compressors may be removed during the demanufacturing process, and any oil removed must be stored in accordance with 567—119.5(455D, 455B).

b. Compressor oils are not hazardous and may be burned in used-oil-fired space heaters provided the heaters have a capacity of 0.5 BTUs (British thermal units) per hour or more.

c. Compressor oils may be sold to a marketer of used oil.

118.9(6) Ammonia-gas-operated refrigerators and air conditioners.

a. Ammonia gas must be vented into water.

b. Sodium chromate must be removed from refrigeration equipment containing sodium chromate.

c. Sodium chromate liquid is a hazardous waste and must be disposed of at an EPA-permitted facility.

d. Removal of sodium chromate liquid must take place on an impervious surface. In case of a spill, the spilled liquid and the material used as absorbent must be handled as a hazardous waste and disposed of as a hazardous waste.

e. Sodium chromate must be stored in a DOT-approved container that shows no sign of damage. The container must be labeled with a proper EPA-approved chromium label stating “chromium” or “hazardous waste” as required by 40 CFR Part 262.32 and 49 CFR Part 172.304 in both English and the predominant language of any non-English reading workers.

f. Prior to shipment, sodium chromate must be packaged to prevent leakage, and all containers must be sealed.

g. Persons generating sodium chromate waste must maintain records to determine if they are a conditionally exempt small-quantity generator, small-quantity generator, or large-quantity generator of hazardous waste.

h. Asbestos insulation found on refrigerant lines must be removed. Asbestos shall be handled in a manner that complies with Occupational Safety and Health Administration (OSHA) regulations.

i. Asbestos must be moistened and double bagged, in accordance with, Iowa Administrative Code 567 Chapter 109 prior to disposal at the landfill approved for asbestos disposal for the person’s solid waste comprehensive planning area. A person who needs to dispose of asbestos must contact the landfill and make arrangements for the disposal and further packaging and handling procedures.

567—118.10(455B, 455D) Mercury-containing component removal and disposal requirements.

118.10(1) All components containing mercury shall be removed from appliances. Precautions shall be taken to prevent breakage of the mercury-containing components and the release of mercury.

118.10(2) All mercury-containing component storage containers must be labeled with the proper EPA-approved mercury label stating “Universal Waste-Mercury Containing Equipment”, “Waste Mercury-Containing Equipment” or “Used Mercury-Containing Equipment” in both English and the predominant language of any non-English-reading workers.

118.10(2) The date when the first mercury-containing component was placed in the container shall be affixed on the container.

118.10(2) Mercury containing components may be stored for no longer than one year.

118.10(3) Accumulation of mercury containing components shall not exceed 5,000 Kg (1100 pounds) at any time.

118.10(3) All mercury containers must be sealed prior to shipment.

118.10(4) All components containing mercury must be disposed of at an EPA-approved mercury recycling/recovery facility.

118.10(5) Fluorescent tubes, lamps, bulbs, and similar items must be placed in a container and packaged to prevent breakage for shipment to an EPA-approved recycler or processed in a manner in compliance with state and federal regulations.

118.10(6) All mercury-containing components must be managed in accordance with 40 CFR 273 and all state and federal regulations.

567—118.11(455B, 455D) Capacitor removal requirements.

118.11(1) All capacitors must be removed from discarded appliances unless the appliance manufacturer certifies in writing that no PCBs were used in the manufacture of the appliance.

118.11(2) Capacitors that meet one or more of the following criteria may be disposed of or recycled as solid waste.

- a. Proven to be free of PCBs by an approved laboratory; or
- b. Imprinted by the manufacturer with the words “No PCBs” on the body of the capacitor;

or

- b. Certified in writing by the manufacturer of the capacitor not to contain PCBs
- d. Do not contain dielectric fluid.

118.11(3) All capacitors not meeting the criteria in 118.11(2) must be disposed of in accordance with subrule 118.11(5).

118.11(4) Containers for storage and disposal of PCB items. PCB capacitors must be stored and transported according to the Toxic Substances Control Act (TSCA) (40 CFR Part 761) and disposed of at a TSCA-permitted disposal facility. Facilities used for the storage of PCB items designated for disposal must meet the following storage requirements:

- a. Facilities shall register with US EPA and receive an EPA identification number
- b. PCB items must be stored in a manner that provides adequate protection from the elements and adequate secondary containment. This storage must take place on an impervious material above the 100-year flood water elevation.
- c. The point of demanufacturing must be located above the 100-year flood water elevation.
- d. All capacitors containing or suspected of containing PCBs must be placed in a DOT-approved container that shows no signs of damage. The bottom of the container must be filled to a depth of two inches with absorbent material such as sand, oil-dry, or kitty litter.
- e. All DOT-approved containers must be affixed with the large PCB mark (M_L) as described in 40 CFR Part 761.45 and shown below.



f. The date when the first PCB capacitor was placed in the container shall be placed on the container.

g. Nonleaking small PCB capacitors may be stored for up to 30 days from the date of removal in an area that does not comply with the requirements in 118.11(5)“a” to “e” provided a notation is placed on the PCB item indicating the date the item was removed from the appliance.

h PCB capacitors may be stored for no more than 270 days. Storage area must be labeled with PCB M_L mark. Storage area must be inspected every 30 days and inspection documented

i. If a demanufacturer stores more than 45 kilograms (99.4 pounds) at any one time they must maintain annual written records and the annual document log as required by 40 CFR 761.180.

118.11(5) *Transportation and disposal.*

a. Appliance demanufacturers may dispose of PCB capacitors by one of two means. If the facility is a Conditionally Exempt Small Quantity Generator (CESQG) the demanufacturer may send the properly marked and dated container of capacitors to a Regional Collection Center (RCC) permitted under Iowa Administrative Code 567-Chapter 123 for disposal. If the facility is not a CESQG, the capacitors must be manifested and shipped for disposal in accordance with 40 CFR 761.65.

b. *Disposal through a RCC.* Shipments from a CESQG to a RCC shall be considered equivalent to disposal as municipal solid waste for the purposes of 40 CFR 761.60 (b)(2)(iii). This will allow the RCC to accept PCB capacitors without having to provide a certificate of disposal. It is not to allow capacitors to be disposed in a landfill. The RCC shall provide the appliance demanufacturer with a receipt specifying the name of the RCC, the appliance demanufacturer that the capacitors were received from, the weight or number of capacitors, and the date the capacitors were received. Copies of this document must be retained for three years at both locations. The date that the capacitors are received shall be considered the date the capacitors are determined to be PCB waste for the purposes of 40 CFR 761.65(a)(1). Capacitors may be consolidated in DOT approved shipping containers for transport for disposal.

c. *Disposal through EPA approved facility for the disposal of PCB waste.* The labeled and dated DOT Container must be transported by a transporter with a valid EPA ID number, using an EPA uniform Hazardous Waste Manifest Form. All containers must be sealed prior to shipment., The demanufacturer has one year from the date the first PCB item was placed in the container to have the contents properly disposed of by incineration, recycling, or another approved method pursuant to 40 CFR Part 761.60(b) or (c). This disposal must be documented and this record kept by the demanufacturer for three years from the date the PCB waste was accepted by the initial transporter.

d. PCB capacitors shall be properly destroyed within one year of removal from the appliance. The generator shall obtain a certificate of disposal within 30 days after the disposal date. If a certificate of destruction is not obtained within thirty days the EPA Regional Administrator must be notified pursuant to 40 CFR Part 761.218(d).

567—118.12(455B, 455D) Spills.

118.12(1) Any spills from leaking or cracked capacitors must be handled by placing the capacitor and any contaminated rags, clothing, and soil into a container for shipment to an EPA-approved waste disposal facility. Spills of liquid PCBs which occur outside a DOT-approved container must be cleaned and the cleanup verified by sampling as described at 40 CFR Part 761.130. Detailed records of such cleanups and sampling must be maintained as described at 40 CFR Part 761.180.

118.12(2) Mercury spill kits (with a mercury absorbent in the kits) must be on hand and used in the event of a mercury spill. Any waste from the cleanup of a mercury spill must be disposed of as a hazardous waste.

118.12(3) In the event a spill results in a hazardous condition, the facility must notify the department of natural resources at (515)281-8694 and the local police department or the sheriff's office of the affected county of the occurrence of a hazardous condition as soon as possible, but no later than six hours after the onset or discovery of a spill pursuant to IAC 567-Chapter 131.

567—118.13(455B, 455D) Record keeping and reporting.

118.13(1) Annual reports with the information required in subrule 118.13(3) are:

- a. To be sent to the solid waste section in the DNR central office in Des Moines,
- b. Due January 31 each year for the activities of the previous calendar year;

c. To be submitted on forms provided by the department, which may be submitted electronically when the electronic format is completed; and

d. To be retained by the permit holder for at least three years.

118.13(2) Annual reports shall contain the following information for the previous calendar year:

a. Number of appliances demanufactured in each of the following categories:

(1) Refrigerators and freezers

(2) Commercial coolers

(3) Air conditioning units

(4) Dehumidifiers

(5) Gas water heaters

(6) Furnaces

(7) Clothes washers and clothes dryers

(8) Dishwashers

(9) Microwave ovens

(10) Other items containing mercury, refrigerant or PCB capacitors

b. Number of mercury switches removed from appliances

c. Number of mercury thermocouples removed from appliances

d. Date the first item was placed in the mercury storage drum that is in use on December 31.

e. Number of fluorescent tubes removed from appliances

f. Number of sodium chromate containing appliances shipped to another demanufacturer

g. Amount of refrigerant removed by type

h. Number of PCB capacitors removed

i. Number of PCB ballasts removed

j. Date the first item was placed in the mercury storage drum that is in use on December 31.

118.13(3) A permitted appliance demanufacturing facility shall retain the following records on site for a minimum of three years.

a. All hazardous waste manifests and bills of lading for shipments of refrigerant, mercury switches, PCB materials and any hazardous wastes.

b. Receipts for any sodium chromate containing units that were sent to another facility for processing.

c. Documentation of destruction or receipt from a Regional Collection Center for all PCB materials shipped

e. Documentation of inspections of the PCB storage area as required by 567-118.11(4)"g"

f. Annual written records and annual document log if required by 567-118.11(4)"h".

g. Copy of the annual report as required in 567-118.13(1)

567-118.14 (455B, 455D) Appliance demanufacturing facility closure requirements. The facility shall submit to, the department central office, and department field office with jurisdiction over the appliance demanufacturing facility written notice of intent to permanently close the facility at least 90 days before closure. Closure shall not be official until the department field office has given written certification of the completion of the following activities:

1. Removal of all appliances that have not been demanufactured.

2. Proper disposal of all refrigerant, PCBs and mercury and all hazardous materials

3. Submission of annual report covering January through the last disposal of hazardous materials, PCBs and refrigerant.

567—118.15(455B, 455D) Shredding of appliances.

118.15(1) Facilities shredding demanufactured appliances shall sample the fluff from the shredding of demanufactured appliances at least quarterly, and analyzed according to Test Methods for Evaluation of Solid Waste, Physical-Chemical Methods SW 846, USEPA, Third Edition 1986, for the presence of PCBs, and according to the toxicity characteristic leaching procedure (TCLP) for heavy metals. The waste shall be sampled once a day for seven consecutive

working days to make a composite sample. If the concentrations of heavy metals do not exceed concentrations listed in 40CFR261.24, the fluff may be landfilled in Iowa. Results will be retained on site for a minimum of three years and submitted to the department within 30 days of the end of each quarter.

118.15(2) Fluff from the shredding of demanufactured appliances may be sampled and tested by the department at any time.

118.15(2) No person or facility engaged in demanufacturing in the state may shred, crush, or bale any appliances that have not been demanufactured. A person or facility located in Iowa that does not engage in demanufacturing but accepts appliances from demanufacturers for recycling or disposal may only shred, crush, or bale appliances that have been demanufactured in accordance with the federal regulations and the laws of the state from which the appliances are received.

These rules are intended to implement Iowa Code sections 455B.304 and 455D.6(6)

Date

Jeffrey R. Vonk, Director

Administrative Rule Fiscal Impact Statement

Date:

Agency: Iowa Department of Natural Resources

IAC Citation: 567—IAC Chapter 118

Agency Contact: Theresa Stiner (515) 281-8646

Summary of the Rule: This proposed rule revision will improve the department's ability to ensure that hazardous materials from appliances are being handled in an environmentally sound manner by revising the record keeping and annual reporting requirements, easing storage time limits on PCB articles that are disposed of through a Regional Collection Center, and incorporating federal requirements. The chapter has also been reformatted to be consistent with other chapters and to improve readability.

Fill in this box if the impact meets these criteria:

☒ No Fiscal Impact to the State.

☐ Fiscal Impact of less than \$100,000 annually or \$500,000 over 5 years.

☐ Fiscal Impact cannot be determined.

Brief Explanation: The proposed rule

Fill in the form below if the impact does not fit the criteria above:

☐ Fiscal Impact of \$100,000 annually or \$500,000 over 5 years.

* Fill in the rest of the Fiscal Impact Statement form.

Assumptions:

Describe how estimates were derived:

Estimated Impact to the State by Fiscal Year

	<u>Year 1 (FY)</u>	<u>Year 2 (FY)</u>
Revenue by Each Source:		
GENERAL FUND		
FEDERAL FUNDS		
Other (specify)		
TOTAL REVENUE	_____	_____
Expenditures:		
GENERAL FUND		
FEDERAL FUNDS		
Other (specify)		
TOTAL EXPENDITURES	_____	_____
NET IMPACT		

 X This rule is required by State law or Federal mandate.

Please identify the state or federal law:

 These rules are required by 455D.6(6).

 Funding has been provided for the rule change.

Please identify the amount provided and the funding source:

 Funding has not been provided for the rule.

Please explain how the agency will pay for the rule change:

Fiscal impact to persons affected by the rule:

Easing the storage time limits for PCB capacitors that are disposed of through a Regional Collection Center (RCC) will allow the RCCs to ship PCBs less often, resulting in a cost savings both to the RCC and the demanufacturers.

The additional record keeping requirements may increase the demanufacturer's costs slightly, however it is necessary to ensure that refrigerants, PCB capacitors and mercury switches are being removed and handled properly.

Fiscal impact to Counties or other Local Governments (required by Iowa Code 25B.6):

Easing the storage time limits for PCB capacitors that are disposed of through a Regional Collection Center (RCC) will allow the RCCs to ship PCBs less often, resulting in a cost savings both to the RCC and the demanufacturers.

The additional record keeping requirements may increase the demanufacturer's costs slightly, however it is necessary to ensure that refrigerants, PCB capacitors and mercury switches are being removed and handled properly.

* If additional explanation is needed, please attach extra pages.

Agency Representative preparing estimate:

Telephone Number: Theresa Stiner (515) 281-8646